	Application No.	Applicant(s)
Interview Summary	10/602,126	DON ET AL.
	Examiner	Art Unit	
	Jay A. Morrison	2168	

All participants (applicant, applicant's representative, PTO personnel):

(1) *Jay A. Morrison, Examiner of Record*.　　　　　(3)*Colby Nuttall, Registration Number 58146*.

(2) *Rick Nydegger, Registration Number 28651*.　　　(4)*Tim, Vo, SPE*.

Date of Interview: *02 March 2006*.

Type:　a)☐　Telephonic　b)☐　Video Conference
　　　　c)☒　Personal [copy given to:　1)☐ applicant　　2)☒ applicant's representative]

Exhibit shown or demonstration conducted:　d)☐ Yes　e)☒ No.
　　If Yes, brief description: _____.

Claim(s) discussed: *1,10,17 and 21*.

Identification of prior art discussed: _____.

Agreement with respect to the claims f)☐ was reached.　g)☐ was not reached.　h)☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: *See attached summary*.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary: Applicants' representatives proposed and discussed amendments to claim 1 as exemplary of the independent claims. The proposal further defines the claim in a favorable way, however, examiner will review the art of record once more and then update the search before any decision is made.

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)
In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

———

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
– Application Number (Series Code and Serial Number)
– Name of applicant
– Name of examiner
– Date of interview
– Type of interview (telephonic, video-conference, or personal)
– Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
– An indication whether or not an exhibit was shown or a demonstration conducted
– An identification of the specific prior art discussed
– An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
– The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

WORKMAN NYDEGGER
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
TELEPHONE (801) 533-9800
FAX (801) 328-1707

TELECOPIER COVER SHEET

March 1, 2006

Total Number of Pages
    (including cover letter):   7

Please deliver the transmitted facsimile pages to:

EXAMINER JAY A. MORRISON ART UNIT 2168

Business Phone: (571) 272-7112

Telecopier Phone: (571) 273-7112

From: RICK D. NYDEGGER & COLBY C. NUTTALL

Comments: Examiner Morrison, attached is the proposed agenda for the interview scheduled tomorrow (10:30am), and also proposed amendments to the independent claims. We look forward to discussing the case with you. Thanks, R. Nydegger & C. Nuttall

Serial No.   10/602,126

Docket No.   13768.444

****
We are transmitting from a Sharp FO-750 or Sharp FO-6100 facsimile machine. If you do not receive all the pages or they are unreadable, please contact me as soon as possible at (801) 533-9800.

WORKMAN NYDEGGER
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
TELEPHONE (801) 533-9800
FAX (801) 328-1707

FROM: Rick D. Nydegger & Colby C. Nuttall

TO: Examiner Morrison

RE: Proposed Agenda for Interview – SN 10/602,126

DATE AND TIME: Thursday, March 2nd at 10:30am

Proposed 30 min schedule

I.   Brief review of status of case, and nature of the invention

II.   Review of rejections of record and prior art applied in the current Office Action

III.   Presentation of proposed claim amendments and explanation of how those amendments are believed to overcome the rejections and prior art or record

IV.   Discussion with Examiner(s) and any further amendments resulting from the Examiners' views and comments, with the objective of reaching claim amendments which fully address and resolve the issues of record and advance the case over the prior art of record

V.   Preparation of Interview Summary

1.   (Currently Amended) In a multi-tier server system that includes a back end server at a first tier and one or more additional servers at a middle tier, each additional server using multiple types of data objects that must be defined on the one or more additional servers before the data objects can be used by the and one or more middle tier servers, that obtain data from a database of the back end server, a method for deploying one or more data types from the back end server to the one or more middle tier servers in a manner that maintains consistency and compatibility in the definitions of the data types and in code associated with each data type as stored on each middle tier server in the system, the method comprising:

an act of creating a special table in the a database of the back end server, the special table including one or more fields for storing data identifying data types and corresponding code for enabling use of each of the data types, and the back end server acting as a single and centralized source from which all middle tier servers obtain data types and the corresponding code required to enable use of the data types by the one or more middle tier servers;

an act of identifying a data type to be deployed from the back end server to the one or more middle tier servers;

an act of obtaining an extended assembly that corresponds to the data type to be deployed, the extended assembly including the data obtained from the special table, including data identifying the data type and the code for enabling use of the data type; and

an act of transmitting the extended assembly to the one or more middle tier servers in the multi-tier system such that the data type as transmitted to and received by the one or more middle tier servers in the multi tier system is consistent and compatible with a data type of the same kind stored on other middle tier servers in the system.

CONFIDENTAL DRAFT – Do not enter into file

10.   (Currently Amended) In a multi-tier <u>server</u> system that includes a back end server <u>at a first tier and one or more additional servers at a middle tier, each additional server using multiple types of data objects that must be defined on the one or more additional servers before the data objects can be used by the</u> ~~and~~ one or more middle tier servers<u>,</u> ~~that obtain data from a database of the back-end server,~~ a method for deploying one or more data types <u>from the back end server to the one or more middle tier servers in a manner that maintains consistency and compatibility in the definitions of the data types and in code associated with each data type as stored on each middle tier server</u> in the system, the method comprising:

an act of modifying a special table in ~~the~~ <u>a</u> database of the back end server, the special table including one or more fields for storing data that identifies data types and includes corresponding code for enabling use of <u>each of</u> the data types, <u>and the back end server acting as a single and centralized source from which all middle tier servers obtain data types and the corresponding code required to enable use of the data types by the one or more middle tier servers,</u> the act of modifying including at least one of modifying the stored data <u>within the one or more fields</u> and adding new stored data to the one or more fields;

an act of identifying a data type to be deployed <u>from the back end server to the one or more middle tier servers</u>;

an act of obtaining an extended assembly that corresponds to the data type to be deployed, the extended assembly including at least one of the modified stored data and the new stored data <u>as obtained from the special table, including data identifying the data type and the code for enabling use of the data type</u>; and

an act of transmitting the extended assembly to <u>the</u> one or more middle tier servers in the multi-tier system <u>such that the data type as transmitted to and received by the one or more middle tier servers in the multi tier system is consistent and compatible with a data type of the same kind stored on other middle tier servers in the system</u>.

CONFIDENTAL DRAFT – Do not enter into file

17.   (Currently Amended) In a multi-tier <u>server</u> system that includes a back end server <u>at a first tier and one or more additional servers at a mittle tear, each additional server using multiple types of data objectst that must be defined on the one or more additional servers before the data objects can be used by the</u> and one or more middle tier servers, ~~that obtain data from a database of the back-end server,~~ a method for deploying one or more data types <u>from the back end server to the one or more middle tier servers in a manner that maintains consistency and compatibility in the definitions of the data types and in code associated with each data type as stored on each middle tier server</u> in the system, the method comprising:

an act of adding a new middle tier server to the multi-tier system, the new middle tier server being configured to utilize extended assemblies that are obtained from the back end server <u>which acts as a single and centralized source from which all middle tier servers obtain data types and corresponding code required to enable use of the data types by the one or more middle tier servers,</u> the extended assemblies being configured to enable the use of one or more data types that are defined by data and enabled by code that is contained in the extended assemblies[[.]]<u>;</u>

an act of determining which of the one or more data types are to be deployed from the back end server to the new middle tier server;

an act of obtaining one or more extended assemblies corresponding to the one or more data types that have been determined to be deployed, each of the one or more extended assemblies including data and code obtained from a special table stored in ~~the~~ <u>a</u> database of the back end server<u>, the special table including one or more fields for storing data identifying data types and corresponding code for enabling use of each of the data types</u>; and

an act of transmitting, to the <u>new</u> middle tier server, the one or more extended assemblies that correspond to the one or more data types that have been determined to be deployed <u>such that the one or more data types as transmitted to and received by the new middle tier server are consistent and compatible with one or more data types of the same kind on other middle tier servers in the system and which were received by the other middle tier servers from the back end server</u>.

CONFIDENTAL DRAFT — Do not enter into file

21.　(Currently Amended) In a multi-tier server system that includes a back end server at a first tier and one or more additional servers at a middle tier, each additional server using multiple types of data objects that must be defined on the one or more additional servers before the data objects can be used by the ~~and~~ one or more middle tier servers ~~that obtain data from a database of the back-end server~~, a method for deploying one or more data types from the back end server to the one or more middle tier servers in a manner that maintains consistency and compatibility in the definitions of the data types and in code associated with each data type as stored on each middle tier server in the system, the method comprising:

an act of creating a special table in ~~the~~ a database of the back end server, the special table including one or more fields for storing data identifying a data type and corresponding code for enabling use of the data type, and the back end server acting as a single and centralized source from which all middle tier servers obtain data types and the corresponding code required to enable use of the data types by the one or more middle tier servers;

a step for deploying the data type from the back end server to the one or more middle tier servers such that the data type as transmitted to and received by the one or more middle tier servers in the multi-tier server system is consistent and compatible with a data type of the same kind stored on other middle tier servers in the system.

CONFIDENTAL DRAFT – Do not enter into file

25.   (Currently Amended) A computer program product for use in a multi-tier <u>server</u> system that includes a back end server <u>at a first tier and one or more additional servers at a middle tier, each additional server using multiple types of data objects that must be defined on the one or more additional servers before the data objects can be used by the</u> ~~and~~<u>one or more middle tier servers</u> ~~that obtain data from a database of the back end server~~, the computer program product including one or more computer-readable media having computer-executable instructions for implementing a method for deploying one or more data types <u>from the back end server to the one or more middle tier servers in a manner that maintains consistency and compatibility in the definitions of the data types and in code associated with each data type as stored on each middle tier server</u> in the system, the method comprising:

an act of creating a special table in ~~the~~<u>a</u> database of the back end server, the special table including one or more fields for storing data identifying data types and <u>corresponding</u> code for enabling use of <u>each of</u> the data types<u>, and the back end server acting as a single and centralized source from which all middle tier servers obtain data types and the corresponding code required to enable use of the data types by the one or more middle tier servers</u>;

an act of identifying a data type to be deployed<u> from the back end server to one or more middle tier servers</u>;

an act of obtaining an extended assembly that corresponds to the data type to be deployed, the extended assembly including ~~the~~ data <u>obtained</u> from the special table<u>, including data</u> identifying the data type and the code for enabling use of the data type; and

an act of transmitting the extended assembly to <u>the</u> one or more middle tier servers in the multi-tier system<u> such that the data type as transmitted to and received by the one or more middle tier servers in the multi tier system is consistent and compatible with a data type of the same kind stored on other middle tier servers in the system.</u>

CONFIDENTAL DRAFT – Do not enter into file